

MESSAGE NO: 9113202

MESSAGE DATE: 04/23/2009

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FIN-Final Determination

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-122-853

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 04/13/2009

TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF FINAL DETERMINATION & CASH DEPOSIT IN THE ADD
INVESTIGATION OF CITRIC ACID AND CERTAIN CITRATE SALTS FROM CANADA (A-122-
853)

MESSAGE NO: 9113202

DATE: 04 23 2009

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 122 - 853

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PERIOD COVERED: 04 13 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF FINAL DETERMINATION & CASH DEPOSIT IN THE
ADD INVESTIGATION OF CITRIC ACID AND CERTAIN CITRATE
SALTS FROM CANADA (A-122-853)

1. ON 04/13/2009, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS
FINAL AFFIRMATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE
IN THE ANTIDUMPING DUTY INVESTIGATION OF CITRIC ACID AND CERTAIN
CITRATE SALTS (CITRIC ACID) FROM CANADA (74 FR 16843)

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION INCLUDES ALL
GRADES AND GRANULATION SIZES OF CITRIC ACID, SODIUM CITRATE, AND
POTASSIUM CITRATE IN THEIR UNBLENDED FORMS, WHETHER DRY OR IN

SOLUTION, AND REGARDLESS OF PACKAGING TYPE.

THE SCOPE ALSO INCLUDES BLENDS OF CITRIC ACID, SODIUM CITRATE AND POTASSIUM CITRATE, AS WELL AS BLENDS WITH OTHER INGREDIENTS, SUCH AS SUGAR, WHERE THE UNBLENDED FORM(S) OF CITRIC ACID, SODIUMCITRATE, AND POTASSIUM CITRATE CONSTITUTE 40 PERCENT OR MORE, BY WEIGHT, OF THE BLEND.

THE SCOPE OF THIS INVESTIGATION ALSO INCLUDES ALL FORMS OF CRUDE CALCIUM CITRATE, INCLUDING DICALCIUM CITRATE MONOHYDRATE, AND TRICALCIUM CITRATE TETRAHYDRATE, WHICH ARE INTERMEDIATE PRODUCTS IN THE PRODUCTION OF CITRIC ACID, SODIUM CITRATE, AND POTASSIUM CITRATE.

THE SCOPE OF THIS INVESTIGATION DOES NOT INCLUDE CALCIUM CITRATE THAT SATISFIES THE STANDARDS SET FORTH IN THE UNITED STATES PHARMACOPEIA AND HAS BEEN MIXED WITH A FUNCTIONAL EXCIPIENT, SUCH AS DEXTROSE OR STARCH, WHERE THE EXCIPIENT CONSTITUTES AT LEAST 2 PERCENT, BY WEIGHT, OF THE PRODUCT.

THE SCOPE OF THIS INVESTIGATION INCLUDES THE HYDROUS AND ANHYDROUS FORMS OF CITRIC ACID, THE DIHYDRATE AND ANHYDROUS FORMS

OF SODIUM CITRATE, OTHERWISE KNOWN AS CITRIC ACID SODIUM SALT, AND THE MONOHYDRATE AND MONOPOTASSIUM FORMS OF POTASSIUM CITRATE.

SODIUM CITRATE ALSO INCLUDES BOTH TRISODIUM CITRATE AND MONOSODIUM CITRATE, WHICH ARE ALSO KNOWN AS CITRIC ACID TRISODIUM SALT AND CITRIC ACID MONOSODIUM SALT, RESPECTIVELY.

CITRIC ACID AND SODIUM CITRATE ARE CLASSIFIABLE UNDER 2918.14.0000 AND 2918.15.1000 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS), RESPECTIVELY. POTASSIUM CITRATE AND CRUDE CALCIUMCITRATE ARE CLASSIFIABLE UNDER 2918.15.5000 AND 3824.90.9290 OF THE HTSUS, RESPECTIVELY. BLENDS THAT INCLUDE CITRIC ACID, SODIUM CITRATE, AND POTASSIUM CITRATE ARE CLASSIFIABLE UNDER 3824.90.9290 OF THE HTSUS.

ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-122-853.

4. FOR IMPORTS OF CITRIC ACID FROM CANADA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 11/20/2008. EFFECTIVE 04/13/2009, CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

PRODUCER: JBL CANADA INC.
EXPORTER: JBL CANADA INC.
CASE NUMBER: A-122-853-001
CASH DEPOSIT: 23.21

PRODUCER: ALL OTHER
EXPORTER: ALL OTHER
CASE NUMBER: A-122-853-000
CASH DEPOSIT: 23.21

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER CURRENTLY HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE "ALL OTHERS" RATE OF 23.21 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT).

OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POSTA BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY. (GENERATED BY O2: TKS).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party